

FIRST CALLED SESSION

By Gardner

H. B. No. 139

A BILL TO BE ENTITLED

AN ACT

relating to powers, duties, and composition of the Texas State Board of Plumbing Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following acts, work and conduct shall be expressly permitted without license:

(a) Plumbing work done by a property owner in a building owned and ~~[or]~~ occupied by him as his homestead;

(b) Plumbing work that is not connected to a public water system and that is done outside the municipal limits of any organized city, town or village in this state~~[7-or-within-any-such city,--town--or--village--of--less--than--five---thousand---(5,000) inhabitants,--unless--required--by--ordinance--in--such-city,--town--or village-of-less-than-five-thousand-(5,000)-inhabitants]~~;

(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad

1 by an employee thereof who does not engage in the occupation of a
2 plumber for the general public; and plumbing work done by persons
3 engaged by any public service company in the laying, maintenance
4 and operation of its service mains or lines to the point of
5 measurement and the installation, alteration, adjustment, repair,
6 removal and renovation of all types of appurtenances, equipment and
7 appliances, including doing all that is necessary to render the
8 appliances useable or serviceable; appliance installation and
9 service work done by anyone who is an appliance dealer or is
10 employed by an appliance dealer, and acting as an appliance
11 installation man or appliance service man in connecting appliances
12 to existing piping installations; water treatment installations,
13 exchanges, services, or repairs. Provided, however, that all work
14 and service herein named or referred to shall be subject to
15 inspection and approval in accordance with the terms of all local
16 valid city or municipal ordinances;

17 (d) Plumbing work done by a licensed irrigator or
18 licensed installer when working and licensed under Chapter 197,
19 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
20 Vernon's Texas Civil Statutes). A person holding a valid license
21 from the Texas State Board of Plumbing Examiners shall not be
22 required to be licensed by any other board or agency when
23 installing or working on a lawn irrigation system;

24 (e) Plumbing work done by an LP Gas installer when
25 working and licensed under Chapter 113, Natural Resources Code, as
26 amended.

27 SECTION 2. Section 4(a), The Plumbing License Law (Article

1 6243-101, Vernon's Texas Civil Statutes), is amended to read as
2 follows:

3 (a) The Texas State Board of Plumbing Examiners shall
4 consist of twelve [~~nine~~] members, each of whom shall be a citizen
5 of the United States and a resident of this state. Members of the
6 Board and their successors shall be appointed by the Governor and
7 confirmed by the Senate, and shall hold office for terms of six
8 years, or until their successors are appointed and have qualified.
9 Appointments to the Board shall be made without regard to the race,
10 creed, sex, religion, or national origin of the appointees. One
11 member of the Board shall have had at least ten years practical
12 experience as a master plumber, one member shall have had at least
13 five years practical experience as a journeyman plumber, one member
14 shall be a plumbing contractor with five years experience, one
15 member shall be a licensed sanitary engineer, two members shall be
16 building contractors with five years contracting experience (one of
17 whom shall be principally engaged in home building and one of whom
18 shall be principally engaged in commercial building), [~~and~~] one
19 member shall have had at least five years practical experience as a
20 plumbing inspector, and two members shall be licensed irrigators
21 who have practiced for at least five years. Three [~~Two~~] members
22 must be representatives of the general public. A person is not
23 eligible for appointment as a public member if the person or the
24 person's spouse:

25 (1) is licensed by an occupational regulatory agency
26 in the building construction industry;

27 (2) is employed by or participates in the management

1 of an agency or business entity related to the building
2 construction industry; or

3 (3) has, other than as a consumer, a financial
4 interest in a business entity related to the building construction
5 industry.

6 SECTION 3. Section 5, The Plumbing License Law (Article
7 6243-101, Vernon's Texas Civil Statutes), is amended by adding
8 Subsection (f) to read as follows:

9 (f) In addition to other powers and duties of the Board
10 under this Act, the Board shall administer:

11 (1) the irrigators law, Chapter 197, Acts of the 66th
12 Legislature, Regular Session, 1979 (Article 8751, Vernon's Texas
13 Civil Statutes);

14 (2) the law providing for the licensing, testing, and
15 inspection of an on-site sewage disposal system, Chapter 366,
16 Health and Safety Code;

17 (3) the water saving performance standards law,
18 Chapter 421, Health and Safety Code; and

19 (4) the law regulating boilers, Chapter 755, Health
20 and Safety Code.

21 SECTION 4. The Plumbing License Law (Article 6243-101,
22 Vernon's Texas Civil Statutes) is amended by adding Section 5B to
23 read as follows:

24 Sec. 5B. ADOPTION OF PLUMBING CODES. (a) To protect the
25 health and safety of the citizens of this state, the Board shall
26 adopt both the Southern Standard Plumbing Code and the Uniform
27 Plumbing Code.

1 (b) In adopting standards for the proper design,
2 installation, and maintenance of a plumbing system, a city, town,
3 or village of this state may not adopt standards less stringent
4 than the minimum standards established by the codes adopted by the
5 Board.

6 SECTION 5. The Plumbing License Law (Article 6243-101,
7 Vernon's Texas Civil Statutes) is amended by adding Section 11A to
8 read as follows:

9 Sec. 11A. PLUMBING LICENSE ENDORSEMENTS. (a) The Board by
10 rule shall provide for the endorsement of a license issued to a
11 person licensed under this Act including an endorsement to act as:

12 (1) a backflow prevention device tester; or

13 (2) a medical gas system tester.

14 (b) The Board shall issue an endorsement under this section
15 to a license holder who has successfully completed an examination
16 administered by the Board and has paid the fees required for
17 endorsement under Section 13 of this Act.

18 SECTION 6. Section 13, The Plumbing License Law (Article
19 6243-101, Vernon's Texas Civil Statutes), is amended to read as
20 follows:

21 Sec. 13. FEES. (a) The Board shall establish reasonable
22 and necessary fees for the administration of this Act, including
23 fees for the following licenses in amounts not to exceed:

1	Master Plumber	
2	Examination	\$ 75
3	License	75
4	Renewal	75
5	Journeyman Plumber	
6	Examination	50
7	License	50
8	Renewal	50
9	Plumbing Inspector	
10	Examination	25
11	License	50
12	Renewal	50

13 (b) The Board shall not maintain unnecessary fund balances,
14 and fee amounts shall be set in accordance with this requirement.

15 SECTION 7. Section 15, The Plumbing License Law (Article
16 6243-101, Vernon's Texas Civil Statutes), is amended to read as
17 follows:

18 Sec. 15. MUNICIPAL RULES AND REGULATIONS. Every city or
19 town in this state [~~of more than five thousand (5,000) inhabitants~~]
20 shall~~[, and any city or town of this state may]~~, by ordinance or
21 by-law, prescribe rules and regulations for the materials,
22 construction, alteration and inspection of all pipes, faucets,
23 tanks, valves and other fixtures by and through which a supply of
24 water, gas or sewage is used or carried; and provided that they
25 shall not be placed in any building therein except in accordance
26 with such rules and regulations; and shall further provide that no
27 plumbing shall be done except in case of repairing of leaks,

1 without a permit being first issued therefor upon such terms and
2 conditions as such city or town shall prescribe; provided that no
3 such ordinance, by-law, rule or regulation prescribed by any such
4 city or town shall be inconsistent with this Act, or any rule or
5 regulation adopted or prescribed by the State Board of Plumbing
6 Examiners.

7 SECTION 8. Chapter 197, Acts of the 66th Legislature,
8 Regular Session, 1979 (Article 8751, Vernon's Texas Civil
9 Statutes), is amended by adding Section 1A to read as follows:

10 Sec. 1A. FUNCTIONS TRANSFERRED AND AGENCY ABOLISHED. This
11 Act is administered by the Texas State Board of Plumbing Examiners
12 in accordance with Section 5(f), The Plumbing License Law (Article
13 6243-101, Vernon's Texas Civil Statutes). The Texas Board of
14 Irrigators is abolished.

15 SECTION 9. Section 1(2), Chapter 197, Acts of the 66th
16 Legislature, Regular Session, 1979 (Article 8751, Vernon's Texas
17 Civil Statutes), is amended to read as follows:

18 (2) "Board" means the Texas State Board of Plumbing
19 Examiners [~~Irrigators~~].

20 SECTION 10. Subchapter A, Chapter 366, Health and Safety
21 Code, is amended by adding Section 366.005 to read as follows:

22 Sec. 366.005. FUNCTIONS TRANSFERRED. This chapter is
23 administered by the Texas State Board of Plumbing Examiners in
24 accordance with Section 5(f), The Plumbing License Law (Article
25 6243-101, Vernon's Texas Civil Statutes).

26 SECTION 11. Sections 366.002(2) and (3), Health and Safety
27 Code, are amended to read as follows:

1 (2) "Board" means the Texas State Board of Plumbing
2 Examiners [Health].

3 (3) "Department" means the Texas State Board
4 [Department] of Plumbing Examiners [Health].

5 SECTION 12. Chapter 421, Health and Safety Code, as added by
6 S.B. 587, Acts of the 72nd Legislature, Regular Session, 1991, is
7 amended by adding Section 421.0015 to read as follows:

8 Sec. 421.0015. FUNCTIONS TRANSFERRED. This chapter is
9 administered by the Texas State Board of Plumbing Examiners in
10 accordance with Section 5(f), The Plumbing License Law (Article
11 6243-101, Vernon's Texas Civil Statutes).

12 SECTION 13. Sections 421.001(1), (2), and (3), Health and
13 Safety Code, as added by S.B. 587, Acts of the 72nd Legislature,
14 Regular Session, 1991, are amended to read as follows:

15 (1) "Board" means the Texas State Board of Plumbing
16 Examiners [Health].

17 (2) "Commissioner" means the Texas State Board of
18 Plumbing Examiners [commissioner-of-health].

19 (3) "Department" means the Texas State Board
20 [Department] of Plumbing Examiners [Health].

21 SECTION 14. Subchapter A, Chapter 755, Health and Safety
22 Code, is amended by adding Section 755.002 to read as follows:

23 Sec. 755.002. FUNCTIONS TRANSFERRED. This chapter is
24 administered by the Texas State Board of Plumbing Examiners in
25 accordance with Section 5(f), The Plumbing License Law (Article
26 6243-101, Vernon's Texas Civil Statutes).

27 SECTION 15. Sections 755.001(6) and (7), Health and Safety

1 Code, as added by Section 229, Chapter 14, Acts of the 72nd
2 Legislature, Regular Session, 1991, are amended as follows:

3 (6) "Commissioner" means the Texas State Board of
4 Plumbing Examiners [~~commissioner-of-licensing-and-regulation~~].

5 (7) "Department" means the Texas State Board
6 [~~Department~~] of Plumbing Examiners [~~Licensing-and-Regulation~~].

7 SECTION 16. (a) The Texas Board of Irrigators is abolished.
8 The records and other property, personnel, and unexpended and
9 unobligated appropriations and other funds of the board are
10 transferred to the Texas State Board of Plumbing Examiners. The
11 contractual and other obligations, liabilities, rights, and
12 remedies of the Texas Board of Irrigators are transferred to the
13 Texas State Board of Plumbing Examiners. The rules adopted to
14 administer the laws under which the Texas Board of Irrigators
15 operated are continued in effect as rules of the Texas State Board
16 of Plumbing Examiners until the rules are amended or repealed by
17 that board.

18 (b) The records and other property, personnel, and
19 unexpended and unobligated appropriations and other funds that
20 relate to the regulation of the water saving performance standards
21 functions and on-site sewage disposal system functions of the Texas
22 Department of Health and the boiler regulation functions of the
23 Texas Department of Licensing and Regulation are transferred to the
24 Texas State Board of Plumbing Examiners. The contractual and other
25 obligations, liabilities, rights, and remedies relating to those
26 functions are transferred to the Texas State Board of Plumbing
27 Examiners. The rules adopted to administer the law under which the

1 Texas Department of Health and the Texas Department of Licensing
2 and Regulation administered those functions are continued in effect
3 as rules of the Texas State Board of Plumbing Examiners until the
4 rules are amended or repealed by the board. The Legislative Budget
5 Board shall determine the amount of funds to be transferred under
6 this subsection.

7 SECTION 17. This Act takes effect January 1, 1992.

8 SECTION 18. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

FIRST CALLED SESSION

H. B. No. 139

By Paulbrugh

A BILL TO BE ENTITLED
AN ACT

relating to powers, duties, and composition of the Texas
State Board of Plumbing Examiners.

JUL 19 1991

1. Filed with the Chief Clerk.

JUL 24 1991

2. Read first time and Referred to Committee on State Affairs

3. Reported favorably (as amended)
(as substituted) and sent to Printer at _____

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____